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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/10/2004

Gianpietro Solinas

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EXAMINER

NGUYEN, TAM M

ART UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,389	Applicant(s) SOLINAS, GIANPIETRO	
	Examiner TAM NGUYEN	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 4 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species B, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 23, 2008. Claim 9 is also withdrawn for being drawn to nonelected species B.

Information Disclosure Statement

2. The information disclosure statement filed December 10, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign patent referred to therein has not been considered.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate the main frame of a mobile apparatus, the main frame of a stationary exercise apparatus and the main frame of a boat and reference character "22" has been used to designate both a flywheel and a traction handle. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each

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drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

On page 9, in line 20 is the term "fly-wheel 22". It should be replaced by --flywheel 21-- to correspond to the drawings, particularly Fig. 11.

On page 9, in line 25 is the term "tapis roulant 26". It should be replaced by --endless belt 26--.

On page 11, in line 3 is the term "ad". It should be replaced by --an--.

On page 15, in line 10 and throughout the specification is the term "funny". It should be replaced by --fun-- in each instance.

On page 7, in line 16 and throughout the specification is the term "block" or "blocking" or variations thereof. It should be replaced by --lock-- or --locking-- in each instance to clarify that the modular elements are being locked in a determined position to the main frame. Appropriate correction is required.

Claim Objections

5. Claim 3 is objected to because of the following informalities:

In claim 3, on lines 4 and 5, the term "blocking" should be replaced by --locking--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the use of the term “univocally” in the claim is not understood since the term is defined as “having only one meaning” and that definition does not appear to pertain to the subject matter of the claim; thus the term will not be given any patentable weight in order to expedite the prosecution.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5-8 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by White (6,146,218).

7. As to claim 1, White discloses a human powered mobile system comprising a main frame and a plurality of modular elements wherein each modular element is: connectable to the frame by means of reversible quick coupling means, adapted to accommodate at least one user, provided with ergonomic operating means (70, 104 & 105) and interchangeable with the other modular elements (see Figs. 1-10, ABSTRACT, Col. 3, lines 60-64 & Col. 4, lines 54-67).

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8. As to claims 2 and 11, White discloses a mobile system as described above.

White further discloses that the reversible quick coupling means/parts comprises linear guides (16,18) fixed to said main frame and trolleys (40,41) sliding along the guides associated to said modular elements (see Figs. 2-5).

9. As to claim 3, White discloses a mobile system as described above (see discussion of claim 1). White further discloses that the linear guides (16,18) comprise a plurality of references (corners) adapted to cooperate with locking means (44) associated to said trolleys (40) for determining locking positions selectable for the trolleys (see Figs. 2-4).

10. As to claims 5-7, White discloses a mobile system as described above (see discussion of claim 1). White further discloses a device (88) for absorbing mechanical energy and a transmission means (92) wherein the device is associated to the main frame (see Figs. 1 & 7).

11. As to claim 8, White discloses a mobile system as described above (see discussion of claim 1). White further discloses that the main frame comprises hulls (30,32) connected by beams (26,28) for supporting at least one frame (14) to which reversible quick hooking means for said modular elements are associated (see Figs. 1-4).

12. As to claims 10 and 11, White discloses a mobile system as described above (see discussion of claim 1). White discloses a mobile means (boat) comprising the modular system (see Fig. 1).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,702,274 White

5,803,774 White

5,547,406 White

4,795,381 Willems

3,809,003 Foldvari

5,921,824 Hagan

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAM NGUYEN whose telephone number is (571)272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 10, 2008

/Tam Nguyen/
Examiner, Art Unit 3764

/LoAn H. Thanh/
Supervisory Patent Examiner, Art Unit 3764